

STATE OF NEW YORK

540--A

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to establishing a tax credit for any equipment or product purchased by a small business that is used to comply with a COVID-19 health and safety plan

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 210-B of the tax law is amended by adding a new
2 subdivision 58 to read as follows:

3 58. Sales tax paid on materials for COVID-19 health and safety plan
4 compliance. (1) For the period beginning May fifteenth, two thousand
5 twenty and ending on the effective date of this subdivision, a taxpayer
6 who owns a small business shall be allowed a credit for sales tax paid
7 for any equipment or product, including materials used in the
8 construction of physical barriers, including but not limited to plastic
9 shielding walls, strip curtains, cubicle walls, plexiglass or similar
10 materials, or other impermeable dividers or partitions, purchased by
11 such small business in order to be in compliance with a COVID-19 health
12 and safety plan.

13 (2) If the amount of the credit allowed under this subdivision for any
14 taxable year shall exceed the small business's tax for such year, the
15 excess shall be treated as an overpayment of tax to be credited or
16 refunded in accordance with the provisions of section six hundred eight-
17 y-six of this chapter, provided, however, that no interest shall be paid
18 thereon.

19 (3) For purposes of this subdivision, the term "small business" shall
20 mean a business with one hundred or fewer employees.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 § 2. Section 606 of the tax law is amended by adding a new subsection
2 (nnn) to read as follows:

3 (nnn) Sales tax paid on materials for COVID-19 health and safety plan
4 compliance. (1) For the period beginning May fifteenth, two thousand
5 twenty and ending on the effective date of this subsection, a taxpayer
6 who owns a small business shall be allowed a credit for sales tax paid
7 for any equipment or product, including materials used in the
8 construction of physical barriers, including but not limited to plastic
9 shielding walls, strip curtains, cubicle walls, plexiglass or similar
10 materials, or other impermeable dividers or partitions, purchased by
11 such small business in order to be in compliance with a COVID-19 health
12 and safety plan.

13 (2) If the amount of the credit allowed under this subsection for any
14 taxable year shall exceed the taxpayer's tax for such year, the excess
15 shall be treated as an overpayment of tax to be credited or refunded in
16 accordance with the provisions of section six hundred eighty-six of this
17 article, provided, however, that no interest shall be paid thereon.

18 (3) For purposes of this subsection, the term "small business" shall
19 mean a business with one hundred or fewer employees.

20 § 3. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
21 of the tax law is amended by adding a new clause (xlix) to read as
22 follows:

23 <u>(xlix) Sales tax paid on materials</u>	<u>Sales tax paid on</u>
24 <u>for COVID-19 health and safety</u>	<u>materials for</u>
25 <u>plan compliance under</u>	<u>COVID-19 health</u>
26 <u>subsection (nnn).</u>	<u>and safety plan</u>
27	<u>compliance under</u>
28	<u>subdivision fifty-eight</u>
29	<u>of section two</u>
30	<u>hundred ten-B</u>

31 § 4. This act shall take effect on the first day of the sales tax
32 quarterly period commencing after this act shall have become a law, and
33 shall apply to sales made and uses occurring on and after such date in
34 accordance with applicable transitional provisions of sections 1106 and
35 1217 of the tax law; provided that the commissioner of taxation and
36 finance shall be authorized on and after the date this act shall have
37 become a law to take steps necessary to implement the provisions of this
38 act on its effective date.